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C O N F I D E N T I A L SECTION 01 OF 02 PARIS 000407

SIPDIS

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TAGS: [PARM](#) [FR](#) [UN](#)

SUBJECT: FRENCH RESPONSE TO DEMARCHE ON MARKING AND TRACING
OF SA/LW

REF: A. SECSTATE 9788

[1](#)B. SECSTATE 10065

Classified By: Political Minister/Counselor Josiah Rosenblatt for Reason 1.4 (b) and (d).

[1](#)1. SUMMARY. On January 20, poloff met with Jean-Francois Guillaume, the MFA Action Officer responsible for small arms and light weapons nonproliferation, who explained that the French will support European initiatives at the second negotiation session of the UN Program of Action on Small Arms and Light Weapons in the interest of maintaining EU cohesion on the matter. He said France is not a strong proponent of making the document legally binding or of introducing new initiatives that could hinder the success of the session. However, if consensus emerges during the course of the session behind one or more of the measures France would fall in line. He added that NGOs and countries such as Germany that are calling for more radical measures both have an interest -- for different reasons -- in seeing the working group session fail. END SUMMARY.

A Legal Vs. Political Instrument: The U.S. Must Make Its
Position Clear From the Outset

[1](#)2. (C) Guillaume explained that the GOF's priority is to have a successful working group session that is consistent with U.S. objectives of creating an instrument with "timely, realistic and practical measures to mitigate the illicit trade of SA/LW in conflict or post-conflict situations" (reftel). He said that France would remind its European partners of the importance of this priority, but added that several European members are giving in to pressures from NGOs to go further. Guillaume said that the U.S. must make clear from the outset its position that the instrument will not be legally binding; if not, he said, several countries will try to force it through as a legal instrument when it is close to completion.

How Some Countries and NGOs Could Benefit from a Working
Group Failure

[1](#)3. (C) Guillaume described Ambassador Thalmann's draft text as "exhaustive," and said that a simpler, cleaner text would have been more effective. However, he said, he suspects that Ambassador Thalmann too has given in to pressures from NGOs to adopt stricter measures. Ironically, he explained, the goal of countries like Germany and NGOs like Amnesty International may be the same - to set the instrument up for failure. Germany, he said, which introduced many of the more radical measures, is falling under political pressure at home due to the fact that it is a major supplier in the worldwide small arms market. By championing a strict instrument it can be seen as a "white knight" by the NGOs and then claim "we tried" when the measures do not win consensus. Guillaume said that Germany has been "very pushy" in introducing new SA/LW measures that run the risk of sinking the instrument. On the other side of the spectrum, Guillaume explained, NGOs would like to see the efforts of the working group fail so that they can push for a regional convention that deals with SA/LW in much the same way that the Ottawa Convention deals with land mines.

[1](#)4. (C) In addition to the question of whether the instrument should be legally binding or include ammunition, Guillaume said that efforts to make the instrument retroactive could further endanger the instrument (a retroactive instrument would require countries to mark weapons that currently exist). He added that any efforts to reopen debate on the definition of SA/LW would demand an additional 3 to 6 sessions to address. Guillaume noted that Ambassador Thalmann did not include explosive mines in his draft. While Guillaume agreed that there is no need to include mines in the definition, the fact that they weren't included could open debate on the subject that would be counterproductive. Nevertheless, he said, keeping the 1997 definition may be the most practical solution (Guillaume said that he did not know how the U.S. views this issue, stating concerns about ambiguities regarding MANPADS).

France and the Inclusion of Ammunition in the Instrument

15. (C) France, Guillaume said, agrees in principle with the concept of including ammunition in the instrument, but he said that they proposed using NATO labeling standards that are already in place. (He added that France would like the instrument to deal only with weapons of war and not with weapons associated with criminal activity, which he said will need to be dealt with separately). Guillaume recalled that Germany originally introduced the measure in March of 2004 and that demand for it stemmed from the belief that many war-torn countries are saturated with illicit weapons already and the only means of controlling violence now is to effectively monitor and curtail movement of ammunition. Still, he said, France is only in favor of promoting measures that are already being implemented such as NATO standard labeling of ammunition.
Wolff